



North Carolina General Assembly

ENVIRONMENTAL REVIEW COMMISSION MINUTES

May 19, 2008

The Environmental Review Commission met Monday, May 19, 2008 in Room 544 of the Legislative Office Building. Co-Chairwoman Lucy Allen presided and the meeting was called to order at 3:09 p.m. Members in attendance were Co-Chairman Charlie Albertson, Co-Chairman Dan Clodfelter, Co-Chairman Pryor Gibson, Senator James Forrester, Advisory Member Fletcher Hartsell, Senator A. B. Swindell, Senator David Weinstein, Representative Pricey Harrison, Representative Ruth Samuelson, Advisory Member Representative Russell Tucker and Representative Edith Warren. Staff present were Commission Counsel George Givens, Assistant Counsel Jeff Hudson, Assistant Counsel Jennifer McGinnis, Assistant Counsel Susan Iddings, Commission Analyst Jennifer Mundt, Research Assistant Mariah Matheson and Commission Assistant Jessica Kozma Bennett.

A meeting notice was distributed to staff, members and outside parties via regular mail and electronically and is included as an attachment to the minutes as **Exhibit A**. A reminder was sent electronically May 15. The meeting agenda and visitor's registration sheets are attachments to these minutes and referred as **Exhibit B** and **Exhibit C**, respectively.

Co-Chairwoman Allen recognized the meeting's sergeants at arms and thanked membership for attending the day's meeting. The Co-Chairwoman asked if fellow chairpersons had introductory comments for the Commission. Hearing none, she then recognized Mr. Givens for his comments.

Comments from Commission Counsel

Mr. Givens called attention to recent working groups, saying that the underground storage working group had met three times and a working group addressing stormwater rules had also met. He then asked Commission membership to approve minutes from regular meetings held March 18 and April 7. Copies of both sets of minutes are included in attachments from this meeting as **Exhibits D and E**, respectively. After a motion by Senator Weinstein and the motion seconded by Representative Samuelson, minutes were approved through unanimous vote.

Proposed Legislative Recommendations

Mr. Givens continued noting a booklet distributed to membership with draft legislation for review. He said that a list of 22 items would not be reviewed in order. A copy of this list as well as draft copies of bills are attached together to the minutes as **Exhibit F**.

- ❖ Environmental Technical Corrections (Item 1)
Amend Environmental Laws 2008 (Item 2)
Amend Environmental Report Requirements 2008 (Item 3)
Co-Chairman Gibson asked that the first three items of the proposal be accepted in unison. After clarification by Co-Chairwoman Allen the motion was approved through unanimous vote.
- ❖ Extend Climate Change Commission 2008 (Item 4)/Extend Water Allocation Study (Item 5): Counsel then addressed Items 4 and 5, extending the climate change commission into 2008 and extending a pending water allocation study. Representative Harrison motioned for acceptance of the recommendation. The motion passed through unanimous vote. Mr. Givens then moved through the remaining legislative recommendations.
- ❖ Electronics Recycling Amendments (Item 7): Representative Harrison moved to accept recommendation and with no commission discussion the motion passed unanimously.
- ❖ Codify Energy Efficiency in Public Buildings (Item 21)/Energy Efficient Buildings If State Funds (Item 22): Representative Samuelson asked for clarification of what the draft bills specify. Assistant Counsel Iddings explained that meeting energy efficiency standards would apply to any buildings funded through state capital funds. Co-Chairwoman Allen clarified that there are exemptions for historic buildings. Co-Chairman Gibson said that discussion on the bills would continue and urged the Commission to use caution as scrutiny could ensue and there were potential financial consequences for the State. Representative Harrison motioned for acceptance for Item 21. Senator Weinstein motioned for acceptance of Item 22. Both items passed with unanimous vote.
- ❖ State Nature and Historic Preserve Removal (Item 17)/State Parks System Additions (Item 18): With little discussion both items were accepted after a motion from Co-Chairman Gibson was voted on unanimously.
- ❖ Underground Storage Tank Program Amendments (Item 16): Counsel noted that this is a “scaled down” version of another bill. Co-Chairman Albertson motioned for approval and the motion was accepted through unanimous vote.

- ❖ Promote Private Compensatory Mitigation (Item 15): Through a motion by Representative Harrison the bill was accepted through unanimous vote.
- ❖ Sedimentation Ctrl./Local Government Enforcement (Item 14): After a motion to acceptance of the recommendation by Co-Chairman Gibson the motion was approved through unanimous vote.
- ❖ Facilitate Use of Reclaimed Water (Item 13): In discussion among Commission members it was noted that facilitating the use of reclaimed water was also part of the Governor's drought management package. Co-Chairwoman Allen said that as a former mayor she had a particular interest in the bill. Co-Chairman Gibson said that counties were putting in infrastructure to reclaim water and said that he had asked for a separate bill solely for reclaimed water in the event the Governor's proposed legislation is delayed.
- ❖ Revise River Basin Advisory Commission (Item 12): Staff noted that the draft bill would only address the Roanoke River Advisory Commission. Co-Chairman Clodfelter motions to accept the recommendation. The motion carried unanimously.
- ❖ Limit Impervious Pavement in Parking Lots (Item 11): Co-Chairman Gibson motioned to accept the recommendation. The motion carried unanimously.
- ❖ Drought Water Management Recommendations (Item 10): Representative Harrison motioned for approval. Discussion ensued and Co-Chairman Gibson said that the recommendations were "woefully short on some issues and overreaching on others. He continued and said that the commission needs to vote for it because the issue is so important given the State's recent drought, and that the bill would need a great deal more work. The motion for approval was carried by unanimous vote.
- ❖ Delay Solid Waste Tax Effective Date (**Exhibit G**): A draft bill was distributed to members and is included as a separate attachment to the minutes as the proposed legislative recommendation packet. Representative Harrison motioned to accept the recommendation. The motion carried unanimously.
- ❖ Recycle Plastic Bags (Item 8): Counsel noted that the draft was requested by Representative Harrison. Senator Forrester asked if the subject of plastic bag recycling had been discussed before. He followed and asked if all stores would recycle, including larger retail stores. Representative Harrison said she understood there was an issue with that and said that bill

needed more work. She followed asked for the bill to move forward and motion to accept the recommendation.

- ❖ Motor Vehicle Emissions Study (Item 6): The study is also requested by Representative Harrison and is created in part from a current California statute. Representative Gibson raised concerns about the bill, and Senators Clodfelter and Albertson said they did not feel the bill—because it is a study—would create any harm. Representative Harrison motioned to accept the recommendation and the motion carried, however not unanimously.
- ❖ Facilitate Net Metering (Item 20): Representative Harrison asked to withdraw the recommendation pursuant to objections by Commission members.

The meeting was adjourned at 3:57 p.m. by Chairwoman Allen.